

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

**8:21CV369**

**ORDER**

A status conference was held on June 13, 2022. Upon hearing the matter,

**IT IS ORDERED:**

1. Plaintiffs shall provide the names of their anonymous witnesses to defense counsel no later than June 20, 2022.

2. The witnesses' names and information shall be subject to a protective order with an attorneys' eyes only designation. The parties shall meet and confer to draft a proposed protective order and jointly submit the agreed-upon, proposed protective order to the Court at [bazis@ned.uscourts.gov](mailto:bazis@ned.uscourts.gov).

3. Defendant shall determine who from BNSF can provide employment and labor records for these witnesses. BNSF shall confer with the EEOC regarding who these individuals will be. If the parties cannot agree on the individuals to retrieve the information from BNSF, they shall contact the Court.

4. Once the protective order is in place, and the parties have agreed to the identity of the individual from BNSF who will provide the witnesses' information, BNSF may share the names of the witnesses with the person from BNSF who will provide the records. The employees from BNSF shall be subject to the protective order and shall sign a form wherein they agree to abide by the terms of the protective order. An example of such a form is Exhibit A to the Attorney's Eyes Only protective order found on the Court's website. BNSF shall make sure these individuals receive a copy of the protective order and explain their obligation to abide by it.

5. This matter is set for another status conference before the undersigned on June 27, 2022, at 1:00 p.m. to determine if any written discovery issues remain, and if not, to set the remaining deadlines and set the hearing date for the preliminary injunction. Telephone conference instructions are found at Filing No. 45.

Dated this 13th day of June, 2022.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge